

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST**

**Plaintiff**

**v.**

**MOLLY M. CANONICO AND PHILIP S.  
CANONICO**

**Defendants**

**CIVIL ACTION NO: 2:19-cv-00447-DBH**

**RE: 40 Standish Neck Road, Standish, ME  
04084**

**Mortgage: October 12, 2006, Book: 24475,  
Page:15**

**VACANT REAL PROPERTY**

**JUDGMENT OF FORECLOSURE AND SALE**

This matter came before the Court pursuant to the Default entered on December 31, 2020 against each of the named Defendants [ECF 8], Fed.R.Civ. P.55(b), this Court's Procedural Order dated April 6, 2020 [ECF 15], and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine* (March 2020).

Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank Trust"), was represented by John A. Doonan, Esq. Defendants, Molly M. Canonico and Philip S. Canonico, did not appear or oppose Plaintiff's Motion for Default Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and

consideration of the Affidavits with supporting documentary evidence and Memorandum of Law in Support of Plaintiff's Motion for Default Judgment on Documentary Evidence, the Plaintiff's Motion for Default Judgment is **GRANTED**. Count II – Equitable Mortgage is hereby **DISMISSED** without prejudice at the request of the Plaintiff.

**JUDGMENT** on Count I - Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing as of July 15, 2020 (attorney's fees and deficiency are waived) (\$527,223.38) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank Trust shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of July 15, 2020:

Description	Amount
Unpaid Principal Balance	\$280,757.66
Interest	\$196,555.13
Escrow Balance	\$67,118.30
Unapplied Funds	(\$17,207.71)
<b>Grand Total</b>	<b>\$527,223.38</b>

2. If the Defendants, or their heirs or assigns, do not pay U.S. Bank Trust the amount adjudged due and owing (\$527,223.38) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Standish Property shall terminate, U.S. Bank Trust shall conduct a public sale of the Standish Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds, first to itself in the amount of \$527,223.38, after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. U.S. Bank Trust has

- waived any right to seek a deficiency judgment. Mot. for Default J. ¶ 13 (ECF No. 19).
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
  4. The amount due and owing is \$527,223.38 as of July 15, 2020.
  5. The priority of interests is as follows:
    - U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority in the amount of \$527,223.38 pursuant to the subject Note and Mortgage and there are no parties-in-interest other than the Defendants who have second priority.
  6. The pre-judgment interest rate is 6.75000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.
  7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust 60 Livingston Avenue St. Paul, MN 55107	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Molly M. Canonico 118 Gill Street Auburn, ME 04210	Defaulted

Philip S. Canonico  
445 Libby Ave  
Gorham, ME 04038

Defaulted

- a) The docket number of this case is No. 2:19-cv-00447-DBH.
- b) The Defendants, the only parties to these proceedings besides U.S. Bank Trust, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 40 Standish Neck Road, Standish, ME 04084, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 40 Standish Neck Road, Standish, ME 04084. The Mortgage was executed by the Defendants on October 12, 2006. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 24475, Page 15.
- e) This Judgment shall not create any personal liability on the part of the Defendants, but shall act solely as an *in rem* judgment against the property, 40 Standish Neck Road, Standish, ME 04084.

**SO ORDERED**

**DATED THIS 17th DAY OF JULY, 2020**

**/s/ D. Brock Hornby**  
**D. Brock Hornby**  
**U.S. District Judge**